

UNITED STATES OF AMERICA,)
)
 v.) Case No. 2:21-cr-00006-1
)
 VARIAN LEFEBVRE,)
 Defendant.)

On January 4, 2022, this Court held a pre-trial conference at which it set the jury draw date for February 8, 2022, and the trial for the week of February 28, 2022. Following the pre-trial conference, previous counsel David McColgin consulted with Mr. Lefebvre and subsequently requested a continuance to allow new counsel sufficient time to prepare for trial. This Court granted Defendant's continuance request and reset the jury draw and trial to April 26th through May 3, 2022. Undersigned counsel began work at the Office of Federal Public Defender and on Mr. Lefebvre's case on January 31, 2022.

After a review of the evidence, counsel followed up with the government about the previously disclosed DNA analysis in this case and received supplemental information related to that issue on February 8, 2022. After discussion with Mr. Lefebvre and based on the information received, undersigned counsel believes that it is necessary to have the DNA analysis in question examined and tested, specifically to exclude Mr. Lefebvre as a match for the DNA collected. Undersigned counsel has a good-faith basis to believe that such testing and potential expert testimony derived therefrom will produce evidence that may prove significant to the preparation of Mr. Lefebvre's defense. Undersigned counsel further believes that the necessary steps for such

testing will include profiling Mr. Lefebvre's DNA, expert comparison and conclusions based on the collected sample, and potential retesting of the original sample. Such steps, in combination with coordinating with the expert in preparation of trial will likely take no less than three or four months of additional time in this matter.

Mr. Lefebvre agrees to exclude time under the Speedy Trial Act

Mr. Lefebvre agrees that the time between the filing of this motion and the jury trial be excluded from the Speedy Trial Act calculation pursuant to 18 U.S.C. § 3161(h)(7)(A).

No objection by the government

Defense counsel has consulted with Assistant United States Attorney Michael Drescher regarding this continuance request and the reasons for it, and the government has stated that it does not object to this motion.

WHEREFORE, Mr. Lefebvre respectfully requests that the dates for jury selection and trial in this matter be continued for three to four months, to July or August 2022, to allow for counsel to obtain an expert, perform necessary scientific testing, and adequately prepare for trial. This continuance is necessary to allow undersigned counsel adequate preparation for trial. The ends of justice served by such delay outweigh the best interests of the public and the defendant in a speedy trial, and the failure to grant this continuance request would be likely to deprive Mr. Lefebvre of a full defense, and result in a miscarriage of justice.

Dated: March 7, 2022

By: /s/ Mary M. Nerino
MARY M. NERINO

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